

1 SENATE BILL 259

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

3 INTRODUCED BY

4 Sue Wilson Beffort

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7  
8 FOR THE LEGISLATIVE FINANCE COMMITTEE

9  
10 AN ACT

11 RELATING TO CHILDREN; REVISING THE STATE EARLY LEARNING  
12 ADVISORY COUNCIL'S POWERS AND DUTIES; DEFINING THE EARLY  
13 CHILDHOOD CARE AND EDUCATION SYSTEM; REQUIRING REPORTING;  
14 MAKING APPROPRIATIONS.

15  
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 SECTION 1. Section 32A-23A-1 NMSA 1978 (being Laws 2011,  
18 Chapter 123, Section 1) is amended to read:

19 "32A-23A-1. SHORT TITLE.--~~[This act]~~ Chapter 32A, Article  
20 23A NMSA 1978 may be cited as the "Early Childhood Care and  
21 Education Act"."

22 SECTION 2. Section 32A-23A-2 NMSA 1978 (being Laws 2011,  
23 Chapter 123, Section 2) is amended to read:

24 "32A-23A-2. DEFINITIONS.--As used in the Early Childhood  
25 Care and Education Act:

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1           A. "council" means the state early learning  
2 advisory council;

3           B. "department" means the children, youth and  
4 families department;

5           C. "early childhood" means from prenatal to the age  
6 of five years;

7           D. "early childhood care and education system"  
8 means a system that provides child care, information or  
9 assistance to children from prenatal through five years of age  
10 and to their families;

11           ~~[D-]~~ E. "fund" means the early childhood care and  
12 education fund;

13           ~~[E-]~~ F. "pre-kindergarten" means a voluntary  
14 developmental readiness program for children who have attained  
15 their fourth birthday prior to September 1; and

16           ~~[F-]~~ G. "secretary" means the secretary of  
17 children, youth and families."

18           SECTION 3. Section 32A-23A-5 NMSA 1978 (being Laws 2011,  
19 Chapter 123, Section 5) is amended to read:

20           "32A-23A-5. COUNCIL AND DEPARTMENT--POWERS AND DUTIES.--

21           A. The council is designated as the council  
22 required ~~[pursuant to]~~ by the federal Improving Head Start for  
23 School Readiness Act of 2007. The council shall fulfill all of  
24 the duties required of it under the federal act for early  
25 childhood care and education. The council shall also lead the

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1 development or enhancement of a high-quality, comprehensive  
2 system of early childhood development and care that ensures  
3 statewide coordination and collaboration among the wide range  
4 of early childhood programs and services within the state,  
5 including child care, home visitation, early head start, head  
6 start, federal Individuals with Disabilities Education Act  
7 programs for preschool, infants and families and pre-  
8 kindergarten programs and services.

9 B. The council and department may apply for and  
10 accept gifts, grants, donations or bequests for the fund from  
11 any source, public or private, and enter into contracts or  
12 other transactions with any federal or state agency, any  
13 private organization or any other source in furtherance of the  
14 purpose of the Early Childhood Care and Education Act.

15 C. In addition to the duties assigned to the  
16 council [~~under~~] pursuant to federal law, the council shall:

17 (1) make recommendations to the department and  
18 the legislature on the most efficient and effective way to  
19 leverage state and federal funding for early childhood care and  
20 education, including recommendations on grant applications made  
21 by the department to benefit the fund; [~~and~~]

22 (2) make recommendations to the department and  
23 the legislature on how to coordinate and align an early  
24 childhood care and education system to include child care, pre-  
25 kindergarten, home visitation, early head start, head start,

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1 early childhood special education, early intervention and  
2 family support and to provide New Mexico families with  
3 consistent access to appropriate care and education services;  
4 and

5 (3) make recommendations to the department on  
6 funding strategies to improve the state's early childhood work  
7 force capacity.

8 D. In developing and making recommendations, the  
9 council shall:

10 [~~(a)~~] (1) consider how to consolidate and  
11 coordinate resources and public funding streams for early  
12 childhood care and education and ensure the accountability and  
13 coordinated development of all early childhood care and  
14 education services;

15 [~~(b)~~] (2) consider how to provide a system of  
16 seamless transition from prenatal to early childhood programs  
17 to kindergarten;

18 [~~(c)~~] (3) take into account a parent's  
19 decisive role in the planning, operation and evaluation of  
20 programs that aid families in the care and education of  
21 children;

22 [~~(d)~~] (4) examine ways to provide consumer  
23 education and accessibility to early childhood care and  
24 education resources;

25 [~~(e)~~] (5) consider the advancement of quality

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1 early childhood care and education programs [~~in order~~] to  
2 support the healthy development of children and [~~preparation~~]  
3 to prepare them for [~~their~~] success in school;

4 [~~(f)~~] (6) consider the development of a  
5 seamless service delivery system with local points of entry for  
6 early childhood care and education programs administered by  
7 local, state and federal agencies;

8 [~~(g)~~] (7) ensure effective collaboration with  
9 state and local child welfare programs and early childhood  
10 health and behavioral health programs;

11 [~~(h)~~] (8) consider how to develop and manage  
12 effective data collection systems to support the necessary  
13 functions of a coordinated system of early childhood care and  
14 education and to track children through the education system  
15 from prenatal to early childhood to kindergarten to higher  
16 education, in order to enable accurate evaluation of the impact  
17 of early childhood care and education;

18 [~~(i)~~] (9) focus on the diversity, cultural  
19 heritage and strengths of the families and communities of the  
20 state;

21 [~~(j)~~] (10) consider the development of an  
22 aligned system of professional development for professionals  
23 providing early childhood care and education; and

24 [~~(k)~~] (11) consider the establishment of an  
25 administrative framework to promote the development of high-

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1 quality early childhood care and education services that are  
2 staffed by well-qualified professionals and are available in  
3 every community for all families that express a need for them.

4 E. The council shall develop and submit to the  
5 legislature by November 1, 2014 a legislative proposal for a  
6 statewide early childhood care and education system. The  
7 proposal shall include:

8 (1) a definition of "high-quality child care";

9 (2) the purpose of the early childhood care  
10 and education system;

11 (3) performance and accountability measures,  
12 pursuant to the Accountability in Government Act, to be used by  
13 the department to collect and report information to the  
14 legislature related to children served by early childhood care  
15 and education providers;

16 (4) requirements for licensure of programs  
17 providing early childhood care and education; and

18 (5) recommendations for administration of the  
19 early childhood care and education program."

20 **SECTION 4. APPROPRIATIONS.--**

21 A. Five hundred thousand dollars (\$500,000) is  
22 appropriated from the general fund to the children, youth and  
23 families department for expenditure in fiscal years 2015 and  
24 2016 for high-quality child care pilot program planning grants.  
25 Any unexpended or unencumbered balance remaining at the end of

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1 fiscal year 2016 shall revert to the general fund.

2 B. Five hundred thousand dollars (\$500,000) is  
3 appropriated from the general fund to the higher education  
4 department for expenditure in fiscal years 2015 and 2016 for  
5 the expansion of the state's early childhood care and education  
6 work force capacity through the state's institutions of higher  
7 education. The higher education department shall consult with  
8 the children, youth and families department and the public  
9 education department to ensure that money is distributed  
10 consistently with the recommendations of the state early  
11 learning advisory council. Any unexpended or unencumbered  
12 balance remaining at the end of fiscal year 2016 shall revert  
13 to the general fund.

14 C. One hundred thousand dollars (\$100,000) is  
15 appropriated from the general fund to the children, youth and  
16 families department for expenditure in fiscal year 2015 for the  
17 early learning advisory council to develop recommendations on  
18 how to increase the state's early childhood care and education  
19 work force capacity and to prepare a legislative proposal for a  
20 statewide early childhood care and education program. Any  
21 unexpended or unencumbered balance remaining at the end of  
22 fiscal year 2015 shall revert to the general fund.

23 D. Five hundred thousand dollars (\$500,000) is  
24 appropriated from the general fund to the children, youth and  
25 families department for expenditure in fiscal years 2015 and

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1 2016 to improve the quality of child care services by in-home  
2 registered child care providers. Any unexpended or  
3 unencumbered balance remaining at the end of fiscal year 2016  
4 shall revert to the general fund.

5 E. Seven hundred thousand dollars (\$700,000) is  
6 appropriated from the general fund to the children, youth and  
7 families department for expenditure in fiscal year 2015 and  
8 subsequent fiscal years for training and education advancement  
9 of early childhood care and education providers. Any  
10 unexpended or unencumbered balance remaining at the end of a  
11 fiscal year shall not revert to the general fund.

12 F. Five hundred thousand dollars (\$500,000) is  
13 appropriated from the general fund to the children, youth and  
14 families department for expenditure in fiscal year 2015 to  
15 provide increases in reimbursements made to child care  
16 providers who are participating in the state's child care  
17 quality rating pilot program and who are providing program  
18 services at level three, four or five. Any unexpended or  
19 unencumbered balance remaining at the end of fiscal year 2015  
20 shall revert to the general fund.

21 SECTION 5. EFFECTIVE DATE.--The effective date of the  
22 provisions of this act is July 1, 2014.